



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/531,735	03/21/2000	Shalom Levin	EPLC/03	7129

7590 09/03/2002

Jerome R. Smith
Holland & Knight LLP
One Atlantic Center
1201 West Peachtree St. NE Suite 2000
Atlanta, GA 30309-3400

EXAMINER

KOVACS, ARPAD F

ART UNIT	PAPER NUMBER
----------	--------------

3671

DATE MAILED: 09/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/531,735

Applicant(s)
Levin et al.

Examiner
Árpád Fábián Kovács

Art Unit
3671



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Aug 26, 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-13 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 4, 21 6) ☐ Other:

Art Unit: 3671

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim(s) 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Weber (3670413).

In re independent claim 9, Weber discloses a lawnmower blade assembly comprising:

a shaft (15) rotatable with a motor (10);

a stub (19, 20) in communication with the shaft (fig 2);

a blade (12);

a receiver (22) coupled to the blade (fig 4, 5), the receiver including a receiving portion (13) and at least a plurality of flexible members (13) configured for moving between outward and inward positions for engaging and retaining the stub in the receiving portion (fig 2) in a releasable engagement, the flexible members including ends configured such that pressure thereon moves the flexible members outward, allowing for at least the disengagement of the blade from the stub (as the top ends of flexible members of the receiving portion is moved outwardly the receiver is released from the stub shaft);

in re claim 10, the shaft, stub, blade, receiver are coaxial (see fig 2);

Art Unit: 3671

in re claim 11, the outer surface of the stub where the receiving portions's inner surface engages allows a sufficient but minimal amount of rotation play for the blade (see fig 2, the receiving portions on the outer surface of the shaft at ref 19, allows minimal rotation since it is not secured to the stub shaft, but rather pressure of the receiving portions keeps it engaged with the shaft);

in re independent claim 12, Weber discloses a lawnmower blade assembly comprising:

a shaft (15) rotatable with a motor (10);

a stub (19, 20) in communication with the shaft (fig 2);

a blade body (12) including oppositely disposed cutting portions (fig 6, blade 12 having oppositely disposed cutting portions) and a platform intermediate the cutting portions (as best shown on fig 4, the receiver is placed between the oppositely disposed cutting portions or in the middle of ref 12);

a receiver (22) coupled coaxially to the blade (fig 4, 5), the receiver including a receiving portion (13) and at least a plurality of flexible members (13) configured for moving between outward and inward positions for engaging and retaining the stub in the receiving portion (fig 2) in a releasable engagement, the flexible members including ends configured such that pressure thereon moves the flexible members outward, allowing for at least the disengagement of the blade from the stub (as the top ends of flexible members of the receiving portion is moved outwardly the receiver is released from the stub shaft);

Art Unit: 3671

in re claim 13, the flexible members (or spring clips 13) are spring like (i.e. can be pushed outwardly to disengage the stub shaft and when released it will press against the stub shaft; col. 2, line 18).

Art Unit: 3671

Response to Arguments

3. Applicant's arguments with respect to claims 9-13 have been considered but are moot in view of the new ground(s) of rejection.

Earlier allowed claims are now rejected in view of Weber reference provided by the Applicant.

Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on 7/23/2002 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609(B)(2)(i). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Art Unit: 3671

Conclusion

Any inquiry concerning this communication should be directed to Árpád Fábián Kovács at telephone number (703) 308-5897, or in my absence contact Thomas B. Will whose telephone number is (703) 308-3870.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1113. The fax phone number for the Group is (703) 305-3597.


Thomas B. Will
Supervisory Patent Examiner
GROUP 3671

áfk/ÁFK

August 29, 2002